

## Serious Illness Council Meeting

**Date:** Tuesday, April 16th, 2025

**Time:** 2:00 PM - 3:00 PM EDT

**Participants:** Secretary Roques (Carmel Roques -MDOA-), Chris Kearney-Chair, Marian Grant, Peggy Shimoda, Dan Morhaim, Sabrina Chase -MDH-appointee, Sadie Peters -MDH-appointee, Katherine Ware, Tiffany Erbeling - Ignited Strategies, Jane Markley, Gail S Mansell, Bailey Ora, Kimmie Upchurch-Appointee, Joanna Ogaitis-MDH, several call in public participants who called in by phone and were not identified by name.

### Summary of the meeting:

- **Welcome and Introductions:** Meeting started with welcoming remarks and recognition of Secretary Roques.
- **Approval of Prior Minutes** by Quorum of Membership.
- **Legislative Updates:** Discussion on legislative matters, including the Older Americans Act funding and Longevity Ready Maryland.
- **Council Support:** Issues with administrative support and contact people were discussed.
- **Bill Discussions:** House Bill 737 and its potential impacts on advanced care planning and opioids were reviewed.
- **Ongoing Projects:** Updates on projects like NASHP, Ahead Model, and Prison Health Care were provided.
- **Council Membership:** Vacancies and the appointment process for council membership were discussed.
- **Federal Concerns:** Discussion regarding the potential impacts of federal cuts and changes in serious illness care and the council's response and potential letter.
- **Advanced Directives:** Updates on advanced directive uptake efforts and an RFP issued by the Department of Health.
- **National Healthcare Decisions Day:** Reminder about National Healthcare Decisions Day on April 16th.

### Transcript:

Chris Kearney-Chairman- 0.00

Opened meeting and obtained quorum for prior minutes. Introduced Secretary Roques thanking her for her attendance and contributions and inquiring if she would like to address any items before the Council before the Agenda began.

Carmel Roques -MDOA- 00:36

Secretary Roques reported that the legislative session recently concluded, resulting in progress for state-funded programs benefiting older adults in Maryland. She noted that the federal agency, ACL, was disbanded with staff layoffs, and its functions will be distributed across Health and Human Services. Funding through the Older Americans Act is secure through September 2025, and there are efforts to ensure its renewal. "Longevity Ready Maryland" is being publicly released, with significant community participation in town halls. The four-year state plan is embedded in this 10-year plan, and it's expected to be approved by July. Staff is already working on implementing aspects of the plan and collaborating with agencies. Updates will be available through the dashboard. She also mentioned that administrative support for the council will be provided by Lisa O'Connor, as Eric is no longer with their agency, and that there is another person assigned to participate generally.

Chris Kearney 04:49

Council Chair Chris Kearney expressed appreciation to Secretary Roques for attending the meeting, noting her contributions as very helpful. He mentioned the council was pleased that the Department of Aging now sponsors and supports them through legislation, as they felt "orphaned" previously. He also stated they look forward to working with Lisa and asked if other council members had questions for Secretary Roques.

Gail S Mansell 05:33

Gail Mansell expressed delight at hearing about the high number of responses received, calling it "fabulous." She stated she had no questions but was pleased with the positive feedback.

Carmel Roques -MDOA- 05:45

Thanked Gail for her comments.

Chris Kearney 05:50

Council Chair Chris Kearney expressed interest in learning more about the "Longevity Ready Maryland" process, as it is not well-known to the council. He suggested having a more detailed discussion about it at the next meeting. He thanked Secretary Roques for the information and indicated the council would pay attention to this initiative.

Chris Kearney 06:20

Chris Kearney stated they would move on with the agenda and skip the council membership item temporarily. He acknowledged the council's involvement with House Bill 737, which they opposed due to concerns about an addition related to opioids in advanced care planning. He mentioned the bill was amended but they continued to oppose it, and he believed it may have been unsuccessful.

Marian Grant 07:22

Marian Grant explained that House Bill 737 proposed a second form for advance directives stating individuals would not want opioids at the end of life. The bill did not make it out of committee or go to a vote, so it is considered dead at this time. She thanked Chris Kearney and Dan Morhaim for raising concerns early on. She noted that similar bills in other states could make it easier for such

bills to pass elsewhere and that it was supported by lobbyists for a national company, whose efforts failed in Maryland.

Dan Morhaim 08:32

Dan Morhaim discussed House Bill 737 and its related efforts. He mentioned writing the testimony and working with Chris Kearney on the matter. He noted that similar legislation has been enacted in six or seven other states. He suggested that anyone with connections to national organizations, such as those related to hospice, palliative care, or emergency medicine, should inform their organizations about this issue, as it is likely to spread. He compared this to other nationwide issues like "pain is the fifth vital sign" and suggested that such legislation is often pushed across multiple states. He emphasized that those with relevant connections should make their organizations aware of this potential trend.

Peggy Shimoda 09:26

Peggy Shimoda reported that the network was involved in working on House Bill 737, which was concerning. Similar bills have passed in about eight states, with Florida being the latest attempting to pass it. The network tried to get compromises on the bill, but they were not put in writing. They opposed the bill without those amendments, expecting it to return next year. One positive outcome mentioned was the commitment to work on reforms to the Healthcare Decisions Act during the interim.

Chris Kearney 10:39

Council Chair Chris Kearney hoped for an opportunity to discuss the Healthcare Decisions Act and advance care planning in Maryland, potentially forming a work group to review these areas. He had written to Delegate Bagnell about this, expressing the council's interest in advising or participating in such a discussion. He believes this might open the door for further conversation or for Bagnell to join a council meeting to discuss the issue, viewing it as an ongoing opportunity. He then shifted the meeting's focus to other projects, specifically asking Marian Grant about the NASHP and Ahead projects.

Marian Grant 12:23

Marian Grant reported that Maryland is one of six states in the National Academy of State Health Policy for Serious Illness initiative. The institute, which was set to end in March, received additional funding for another year. While extensive new data analysis won't be conducted, they will still have access to NASHP resources and continue communication with other participating states, like Maine, Ohio, and Colorado, which are making progress in expanding palliative care. A spreadsheet with Maryland's cost data per discipline was developed, allowing organizations to calculate charges for palliative care services. This resource has been shared and deemed useful, even by the Medicaid Department of Health, and will be available for future use, despite no further data collection.

Maryland is now participating in the Ahead Model, a total cost of care model. This is crucial as the previous Maryland total cost of care model was canceled by new CMMI leadership, resulting in the loss of their waiver. The state submitted their plans for the Ahead Model before the administration

changed. There's uncertainty regarding the new CMMI leadership's perspective on the Ahead Model. However, the newly appointed Secretary of Health, Dr. Mina Seshmani, who has extensive experience in palliative care, is expected to be positive about it. The council hopes to meet with her to discuss the current state of palliative care in Maryland and how they can assist.

Chris Kearney 16:40

Asked Marian to advise on her project with prison health care and serious illness among incarcerated Marylanders and asked for updates from Marian Grant.

Marian Grant 17:12

Marian Grant reported on discussions with the medical director for the Maryland prison health system. They discussed the new healthcare provider, Centurion, and the state's aim for increased oversight. Initial quality data was mixed. The medical director was frank but could not share details publicly. He agreed to ongoing discussions with the council. Legislative efforts for prison parole and release changes were unsuccessful. There are issues with licensing for hospice care at a Hagerstown facility. The council will monitor the situation and offer help as progress is made.

Peggy Shimoda was asked if she was aware of anything from the Department of Corrections on hospice, you know, specialized hospice care.

Peggy Shimoda 20:45

Peggy Shimoda stated that the network is preparing for strategic planning in May, where hospice care issues may be addressed. She noted that the past legislative session was heavily focused on budget shortfalls, which limited attention to other bills. She suggested starting to meet with legislators during the interim period now to discuss important issues, especially if considering something like a state plan amendment for palliative care. She emphasized that waiting until November or December to start these conversations would likely be too late.

Chris Kearney 22:04

Council Chair Chris Kearney raised the issue of council membership vacancies, noting that 12 of the 17 non-state agency positions are vacant due to members being termed out. He mentioned the council's struggles with the appointment process and that he's been reassured that attention will be turned to this issue now that the legislative session is over. He asked Sabrina Chase for any comments or updates on the situation.

Sabrina Chase -MDH- 23:44

Advised that Eric Mathes of Aging had been the point person with the appointments office for us, for the Council, and had put in a lot of efforts along with aging, in terms of connecting with the Governor's appointments office, touching base on the appointments. And Aging was working diligently on this matter and that the Governor's appointments office did have a very busy legislative session and had advised that they wouldn't be able to make appointments for state agencies until such time as the legislative session was over.

Carmel Roques -MDOA- 24:21

Advised Eric Mathes was working with the appointments office and Secretary Roques is speaking with Cindy about other commissions and committees to get appointments moved forward. Advised she would touch base with her and asked if any suggested names were provided to ensure they had candidates to check in regarding.

Chris Kearney 24:53

Chris Kearney stated that the council has a list of applicants for some positions, but there are several vacancies for which they have not received applications. He then listed the specific positions that are vacant and without known applicants: legal representation, managed care representative, health insurance representative, physician with experience in long-term care, and a registered nurse (RN) with experience in long-term care. He mentioned they would be willing to distribute this list to the council to encourage referrals or applications for these roles. He believes that for other council positions, they already have suitable applications.

Jane Markley 26:41

Jane Markley stated that some of the applications for council membership are very old, some as much as three years, and it's uncertain whether those applicants are still interested or available. She suggested that anyone who knows someone potentially interested in joining should recommend them.

Chris Kearney 27:02

Chris Kearney acknowledged Jane Markley's previous statement about term limits. He mentioned that Jane herself was termed out in September 2022. He stated that he knows people who have applied and are waiting to hear back, but for five specific vacant positions, he is unaware of any current applicants.

Dan Morhaim 27:39

Dan Morhaim noted that Bailey Ora, a new participant and palliative care social worker, was attending her first meeting. He emphasized that the group is open to non-members, allowing them to participate fully. He highlighted that the council typically reaches consensus on decisions with all participants.

Chris Kearney 28:28

Chris Kearney acknowledged Dan Morhaim's point about the council's open participation policy, where non-members are welcome. He notes that many individuals continue to be involved even if their official membership has lapsed. He mentions Sabrina's concern about only official members voting and assures her that they will adhere to the legal requirements regarding voting procedures.

Peggy Shimoda 29:01

Peggy Shimoda suggested improvements to the council's website to help fill membership vacancies. Her recommendations included adding a direct link to the application on the homepage and adding expiration terms to the member bios page so potential candidates can easily see available positions. She felt these changes would make the application process smoother and help attract more applicants.

Marian Grant 30:24

Marian Grant pointed out that there is no confirmation given to people who apply for council membership. They submit applications but receive no indication of whether they have been received or are being considered. This lack of feedback makes the process feel difficult and discouraging, potentially preventing interested members of the public from applying. As a result, the council is mainly selecting people they already know, as the application process is currently too complicated for outsiders.

Carmel Roques -MDOA- 31:07

It was noted that the appointments office has a large list of potential candidates and can recommend individuals. However, people must still formally apply. If applicants experience issues, like not receiving confirmation or updates about their application, direct contact can be made with Cindy from the appointments office to guide them through the process. This helps address concerns about applications seemingly disappearing and ensures they are properly considered.

Katherine Ware 32:42

Katherine Ware mentioned that she received an automated confirmation email when she applied for a council appointment in 2022, though it didn't specify which board it was for. She also believes she has applied two or three times.

Chris Kearney 33:09

Council Chair Chris Kearney raised the issue of whether the council should express concern about potential federal cuts affecting serious illness care. He felt these cuts could threaten the council's efforts and the vulnerable population they serve. He suggested Maryland senators as possible recipients of a letter expressing these concerns, particularly regarding potential impacts of Medicaid cuts. He opened the discussion for the council to consider whether such action was appropriate, to whom a statement should be addressed, and if the council has a responsibility to respond to these federal issues.

Sabrina Chase -MDH- 36:21

Sabrina Chase provided a legal overview regarding the council's authority to make statements. Citing Health General 13, 604, she outlined the council's duties, which include monitoring care trends, studying the impact of state policies, providing recommendations to state agencies, advising the General Assembly on legislative proposals, promoting educational efforts, and carrying out other duties requested by the Governor or General Assembly. She suggested these duties should guide any statements made by the council and should be within the scope of Health General 13-604, which includes monitoring trends and the provision of care to Marylanders with life limiting illnesses.

Chris Kearney 38:00

Council Chair Chris Kearney questioned whether the council should issue a letter of concern about potential federal cuts, considering whether such action is within their scope. He asked if the council should make a statement, who it should be addressed to, or if they should refrain from

commenting. He expressed concern for the public, particularly the seriously ill, who he feels are at risk and believes the council has a voice for them.

Carmel Roques -MDOA- 38:55

Secretary Roques discussed the Department of Aging's actions regarding federal changes to Health and Human Services, including staff layoffs. They have written letters to federal elected officials, commenting on the disruption caused by these changes and their potential impact on service delivery and data tracking. They are cautious about speculating on future changes to Medicare and Medicaid but acknowledge potential negative impacts on service delivery at the state level. Secretary Roques suggested the council could comment on the already implemented federal changes or wait for specific changes to Medicare and Medicaid to address those.

Marian Grant 42:05

Marian questioned if it is appropriate to contact federal legislators to prevent Medicaid cuts or if they should wait until cuts have already occurred.

Carmel Roques -MDOA- 42:18

Secretary Roques stated that advocating for federal elected representatives is possible and valuable. While they may not be aiming to dismantle the government, providing them with feedback and support can be helpful. She mentioned a Senator visiting local counties and plans to discuss the Older Americans Act reauthorization and its connected federal funding. She also expressed concerns about Medicare's emphasis on managed Medicare and its potential negative impacts, suggesting it might be a topic for discussion.

Dan Morhaim 44:15

Dan Morhaim stated that while most of the Democratic representatives in the state are supportive of the issue, Republican representative Andy Harris typically opposes it. He suggested reaching out to Harris, as he has significant influence, and his constituents will be affected by the issues at hand. Morhaim noted that Harris understands the issues but has not taken a stance aligned with his background as a physician. He believes Harris needs to hear from his constituents, many of whom rely on Medicaid. Morhaim also mentioned the federal government's large allocation to Medicare Advantage, which benefits health insurance companies, and argued that these policies are going in the wrong direction. He suggested that to have influence, they should engage Harris and ask him to take a lead on the matter, given his current position in the Freedom Caucus.

Chris Kearney 46:29

Chris Kearney expressed uncertainty about the immediate impact of potential federal cuts and acknowledged that no one truly knows what will happen.

Sabrina Chase -MDH- 46:58

Sabrina Chase raised a legal question from the Attorney General's office regarding Dan Morhaim's suggestion to reach out to Representative Harris. She referenced Health General 13, 604, subsection 4, which pertains to the council advising the General Assembly on legislative proposals. She questioned whether Representative Harris had a legislative proposal before the General

Assembly that the council would be speaking to, as that would align with the council's statutory mandate.

Chris Kearney 47:44

Stated there were no current state legislative proposals to his knowledge.

Marian Grant 47:49

The question is raised whether it is appropriate for the council to weigh in on federal matters, since Representative Andy Harris is a federal official and not part of the state legislature. The specific concern is if it is inappropriate for the council to express opinions on federal issues that will affect the state of Maryland.

Sabrina Chase -MDH- 48:26

Stated that the council's statute specifies that it is advising the General Assembly on legislative proposals. This point was offered as a guideline for the council's actions.

Chris Kearney 48:49

Council Chair Chris Kearney acknowledged that the council hadn't had much time to consider the issue of federal cuts impacting serious illness care. He expressed his own concern and a desire to use the council's influence to address the matter. He suggested putting the discussion on hold for now but encouraged council members to email him with their opinions. He noted the uncertainty about who a letter of concern would be addressed to, but appreciated Secretary Roques' input and remained open to further conversation and the potential drafting of a letter if consensus was reached.

Katherine Ware 50:12

Katherine Ware mentioned that another state association she belongs to has weighed in on state bills aimed at mitigating federal changes. This association took positions of support or opposition on these bills, providing their reasoning. She recalled one instance involving a proposal to replace scientists in a county health department with non-scientists. The association emphasized the importance of science and evidence-based practices in their response. She noted that their policy and legislative efforts are also confined to the state level, but that was how they voiced their opinions in that context.

Chris Kearney 51:25

Council Chair Chris Kearney acknowledged a feeling of helplessness regarding potential federal cuts but expressed a desire to continue moving forward. He believes the council may have a role and be useful in addressing these issues as things become clearer. He invited council members to share further thoughts and develop concrete plans, expressing his willingness to participate in those conversations. He confirmed they reached the end of the agenda and asked for any final comments before noting the next meeting is likely in July.

Dan Morhaim 52:18

Advised that national healthcare decisions day was in two days.

Tiffany Erbelding - Ignited Strategies 52:33

Tiffany Erbelding announced her return after a maternity leave, mentioning her five-month-old baby. She brought up an RFP issued by the Department of Health concerning advanced directive uptake in communities of color, offering to share the details in the chat for anyone interested.

Chris Kearney 53:12

Invited Dr. Peters to speak to her section of the agenda regarding Advance Care Directives.

Sadie Peters -MDH- 53:28

Advised the Department of Health has released a Request for Applications (RFA) to hire a contractor who will train community-based organization leaders, including those from faith-based organizations, who serve rural residents. The goal is to enhance these leaders' ability to discuss advanced directives with the people they serve and increase awareness and agency regarding these directives in rural communities. This is the first phase of a broader effort, with plans to later address men, minorities, and younger populations. The proposal deadline is May 8th, and only one contractor will be selected. This initiative aims to revive and build upon previous community engagement efforts.

Tiffany Erbelding - Ignited Strategies 55:17

Thanked Sadie Peters for clarity on the RFA.

Chris Kearney 55:24

Council Chair Chris Kearney asked Dr. Peters if it would be useful for her to be made aware of existing community-based organizations that might be interested in the advanced directives initiative, even though a contractor is needed to put it together.

Sadie Peters -MDH- 55:44

Sadie Peters advised that after an RFP is released, the person who wrote it is no longer the contact for questions about it. Instead, the Procurement Officer listed on the RFA is the point of contact, and applications must be submitted through the Emma Maryland Marketplace Advantage platform.

Tiffany Erbelding - Ignited Strategies

56:35

Tiffany Erbelding clarified that she wanted to share information about the RFA with the Council and ensure anyone interested had access to it.

Chris Kearney 56:48

Thanked Tiffany and Sadie and asked if there were any other comments.

Sabrina Chase -MDH- 56:55

Thanked Sadie and her team at MDH for all of the efforts they're making on advanced care directives and their collaborative effort with the Office of the Attorney General and MDH to make

MDH the home for advance care directives materials to support their program within PHPA and to reach more Marylanders.

Gail S Mansell [57:18](#)

Reminded everyone that April 16th is National Health Care Decisions Day.

Chris Kearney [57:26](#)

Council Chair Chris Kearney stated he would speak to someone about healthcare decision-making immediately following the meeting in recognition of National Healthcare Decisions Day. He asked for any final comments, thanked the participants, wished them a warmer spring, and anticipated seeing them again in July.

**Here is a summary of statements made by participants in the meeting:**

**Secretary Roques (Carmel Roques -MDOA-)-Council Member for Department of Aging:**

- Provided updates on legislative matters, particularly the Older Americans Act funding and Longevity Ready Maryland.
- Discussed the reorganization of the federal agency, ACL, and its potential impacts.
- Mentioned the public comment period for Longevity Ready Maryland and ongoing implementation efforts.
- Indicated administrative support changes for the council, with Lisa O'Connor taking over.
- Offered insights into the appointments process for various commissions and committees.
- Shared actions taken by the Department of Aging regarding federal Health and Human Services changes.
- Suggested advocating for federal representatives to prevent Medicaid cuts.

**Chris Kearney-Council Chair:**

- Welcomed Secretary Roques and facilitated the meeting.
- Led discussions on various topics, including legislative updates, bill reviews, ongoing projects, and council membership.
- Expressed concerns about potential impacts of federal cuts on serious illness care.
- Raised the idea of a council statement or letter regarding these concerns.

**Marian Grant:**

- Provided updates on ongoing projects, including NASHP, Ahead Model, and Prison Health Care.
- Discussed the extended funding for the NASHP institute and its resources.
- Shared information about Maryland's participation in the Ahead Model.

- Reported on meetings with the medical director for the prison health system.
- Raised concerns about the potential impact of federal actions on Maryland.

**Peggy Shimoda:**

- Shared information about House Bill 737 and the network's involvement.
- Discussed the status of similar bills in other states and potential future actions.
- Suggested meeting with legislators during the interim.
- Made recommendations for improving the council's website and application process.

**Dan Morhaim-Member at Large:**

- Shared insights on House Bill 737 and its potential national implications.
- Suggested contacting national organizations about the issue.
- Mentioned a contact for health insurance representation for the council.
- Welcomed a new participant, Bailey Ora, and noted the open participation of the group.
- Advised reaching out to Congressman Andy Harris about federal issues.

**Sabrina Chase -MDH- OAG Appointee:**

- Provided updates on the appointments process that it is with the Governor's Office and handled by the Department of Aging.
- Expressed appreciation for the role of Eric Mathes, former administrative support on behalf of Aging.
- Offered legal background on the council's duties and scope for making statements such as the proposed letter and advised staying within the Council's statutory mandate.
- Expressed appreciation for Sadie and her team's work on advanced care directives with an update on the work that MDH's team has made with their Advance Care Directives Program.

**Sadie Peters -MDH Appointee-:**

- Provided information about an RFP for advanced directive uptake in rural communities.
- Explained the procurement process for the RFP.
- Mentioned future efforts related to men, minorities, and younger populations.

**Katherine Ware:**

- Shared experience with applying for council membership.
- Offered an example of another association's actions on similar legislative issues.

**Tiffany Erbelding - Ignited Strategies:**

- Mentioned an RFP issued by the Department of Health about advanced directive uptake in minority communities.
- Expressed gratitude to Sadie for the clarity provided on the RFP.

**Jane Markley:**

- Noted that some applications for council membership are old and may need updating.

**Gail S Mansell:**

- Discussed the high response rate to public outreach.
- Reminded everyone about National Healthcare Decisions Day on April 16th.